

Notice of Allowability

Application No.

10/549,834

Examiner

MACADE BROWN

Applicant(s)

BRILL ET AL.

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 2/20/09.
2. ☒ The allowed claim(s) is/are 15,17,18,20-29,31 and 32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>2/20/09</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

This office action is responsive to the amendment filed on 2/20/09. As directed by the amendment: claims 1-14, 16, 19, 30, and 33 have been cancelled, and claims 15 and 31, have been amended, and presented claims 17, 20, and 21, were previously amended on 1/08/09. Thus, claims 15, 17, 18, 20-29, 31, and 32 are presently pending in this application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS:

In claim 15, line 36, delete "the switch," and replace with "a switch."

In claim 17, line 5, delete "a switch," and replace with "the switch."

Allowable Subject Matter

Claims 15, 17, 18, 20-29, 31, and 32 are allowed.

Johnson (3, 914, 528) teaches a pressure-relief valve having a casing 11 (fig. 1) including: a flange 22 formed with a through going port 24, means 19 for securing the flange 22 to the casing 11, a seal 29 surrounding the port 24, a spring plate 34 spaced outward from the port 24, a rigid post 35 secured directly to the spring plate 34 and to the flange 22, and fixing the spring plate 34 relative to the flange 22, a valve body 31 between the spring plate 34 and the flange 22

Art Unit: 3753

and displaceable between a closed position, engaging the seal 29 and closing the port 24, and an open position spaced outward from the port 24, and permitting flow out of the casing 11 through the port 24; a spring 32 having an outer end bearing against the spring plate 34, and an inner end bearing against the valve body, whereby when pressure in the casing 11 exceeds a predetermined limit, the valve body 31 is pushed out and fluid in the casing 11 can pass through; the spring plate 34, holding the valve body 31 and spring 32 and into which the port opens; an indicating member 44 fixed on the valve body 32 and projecting through the spring plate 34, a switch 46 actuatable by the indicating member 44; wherein the indicating member 44 is a pin.

Herz (5, 937, 893) teaches a cup-shaped housing 36/212 (figs. 1 & 8) engaged over and covering valve elements, including a spring plate 20 (pressure relief device; fig. 8) and a post 56 (fig. 2), the housing 36/212 (figs. 1 & 8) having an end wall 46/232 spaced from a flange 214 (adapter plate; figs. 8 & 9) and a side wall 37/234 projecting from the end wall 46/232 toward the casing 121 (fig. 5) and forming a rim; the spring plate 20 subdividing an interior of the housing 36/212 (figs. 1 & 2) into an inner compartment, holding the valve components and into which the port opens and a separate outer compartment between the spring plate 20 and the end wall, the sidewall 37/234 being formed at the inner compartment with a through going vent opening 38/216 (figs. 1 & 8), whereby the spring plate 20 blocks fluid flow from the inner compartment to the outer compartment; and means 250 (fig. 9) for removably securing the rim to the

Art Unit: 3753

flange 214, whereby removal of the housing 36/212 (figs. 1 & 8) exposes the valve elements, including a spring plate 20 (fig. 8) and a post 56 (fig. 2).

Furthermore, Martyn (429, 632) teaches the vent opening a (fig.1) is an array of small-diameter holes (or slot), and a shield hood G (fig. 2) above the slot.

Neither Johnson, Herz, nor Martyn teach a rigid feed through plate fixed to the flange and extending to the outer compartment, the housing side wall being fitted around the feed through plate; and a cable extending from the switch inside the outer compartment through the feed through plate to outside the compartment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACADE BROWN whose telephone number is (571)270-5428. The examiner can normally be reached on Mon-Thurs, 8am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MACADE BROWN /
Examiner, Art Unit 3753

/John Rivell/
Primary Examiner, Art Unit 3753